IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.415 OF 2005

Yunus Habib Bhai Memon ... Applicant

versus

Sr.Inspector of Police,
Central Bureau of Investigation,
Mumbai and another ... Respondents

...

Mr. Amanatullah S.H. Khan, for the Applicant.
Mr. R.Y. Mirza, A.P.P., for the State.
Mr. Gul Asnani, for C.B.I.

...

CORAM : A.M.KHANWILKAR,J.

31st January 2005

P.C.:

1. Heard Counsel for the parties. The Applicant has been directed to be enlarged on bail by the lower Court on executing personal bond in the sum of Rs. 2 lakhs with one surety for the like amount or two sureties for Rs.1 lakh each or, in the alternative, on cash security of

Rs.2 lakhs each. Insofar as the execution of personal bond is concerned, that has already been done by the Applicant. This application is moved for relaxing the latter condition requiring the Applicant to furnish surety amount of Rs. 2 lakhs or cash security in the like amount. It is not necessary for me to consider the merits of the case as the lower Court has thought it appropriate to enlarge the Applicant on bail. The only question is whether the condition requiring the Applicant to furnish surety in the amount of Rs. 2 lakhs can be said to be excessive. In my opinion, having regard to the nature of offence, that amount cannot be said to be excessive. However, in the present case, as it is shown that the Applicant was practising Advocate and the role ascribed to him was one of only issuing title certificate, which facilitated commission of the crime. Moreover, as the Applicant has deep roots in the society and is a practising Advocate, as contended, coupled with the fact that there are no antecedents, the condition of requiring to furnish surety in the sum of Rs.2 lakhs can be reduced to Rs.1 lakh. In other words, the Applicant can furnish two

sureties for Rs.50,000/- each or in the alternative cash security of Rs. 1 lakh. Application disposed of accordingly.

2. The Applicant also seeks relaxation of condition that he shall not leave India without the permission of the Court. It is not possible to accede to that request. That contention is rejected.

(A.M.KHANWILKAR,J.)